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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Fifty-second session

SUMMARY RECORD OF THE 558th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 October 2001, at 10 a.m.

Chairman: Mr. MOLANDER (Sweden)

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The meeting was called to order at 10.20 a.m.

REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 5) (continued)

(a) INTERNATIONAL PROTECTION (continued) (A/AC.96/951 and 956; Conclusion 2/Rev.4 (document distributed in the meeting room in English and French only))

1. Mr. PRASAD (India) said that, in view of the Secretariat's acknowledgement in its Note on International Protection (A/AC.96/951) that application of the Convention was becoming increasingly restrictive, with diverging interpretations and a deterioration in the quality of asylum, the conclusion in paragraph 108, that respect for the Convention remained strong but implementation was variable, was somewhat surprising. The fact was that the Convention did not cover a number of issues, in particular situations of mass or mixed flows, and implementation often suffered because of a lack of political will or a lack of means. Violations of the Convention, which were mentioned throughout the Note, were a reminder that the issue of international protection was not a matter of mere adherence to instruments but a question of political will and commitment to humanitarian values. India hoped that the States parties to the Convention, particularly the more prosperous ones, would set an example by strengthening their commitment to its principles.

2. As the Secretariat had noted, while the immediate causes of forced displacement might be readily identifiable, they could overlap with, originate in, or be aggravated by such factors as economic marginalization and poverty. He hoped such factors would receive more attention than they had thus far, including during the Global Consultations.

3. His delegation was concerned at the increasing violation of the principle of non-refoulement, and at the tendency to define asylum-seekers and even refugees as primarily "illegal migrants", "economic migrants" or "famine victims", inter alia. There had to be a reaffirmation of the principle of non-refoulement, to which no reservations were permitted, and also, as the Note rightly pointed out, of the principle of international solidarity and burden sharing.

4. His delegation shared UNHCR's concerns regarding militarized refugee camps. Responsibility for maintaining the camps' civilian and humanitarian character should rest with the host country and assistance should be provided to enhance capacity in that regard, where necessary. His delegation strongly supported the principle of non-discrimination against refugees; any discrimination by authorities or local populations needed to be addressed effectively. States should also take steps to ensure that refugees' freedom to practise their religion was not tampered with.

5. With regard to refugees' access to courts and the justice system, he said courts in India had laid down certain markers for refugees based on the principle of the right to life and liberty of all persons residing in the national territory. UNHCR had also been recognized in specific cases as having an independent, neutral role in dealing with complex political issues relating to refugees.

6. Even in the most prosperous societies, respect for refugees' economic, social and cultural rights had not been fully ensured, particularly with regard to access to the labour market. The problem for developing countries, then, was clear, particularly for those facing mass refugee flows, which placed a considerable strain on the economy and the environment. Developing countries' capacity to provide effective protection should be bolstered through genuine international solidarity and burden sharing.

7. His delegation noted with appreciation the Secretariat's efforts over the past year to improve the situation of vulnerable groups such as women and children. Lastly, voluntary repatriation remained the best solution in his delegation's view and developing countries of origin should be given the necessary assistance to facilitate such repatriation, particularly by creating economic opportunities for returnees. Resettlement, particularly in countries with the required economic means, could also be considered. On the other hand local integration as a policy option for dealing with refugees, in a situation of mass exodus into a developing country, had far-reaching implications that needed careful consideration.

8. Mr. ALFELD (South Africa), requested clarification of Ms. Feller's reference to the Sub-Committee on International Protection in her statement at the previous meeting. His delegation was concerned that reconstituting such a body could lead to a fragmentation of government structures and a dilution of the global dialogue achieved in recent years. It might also tend to isolate rather than mainstream protection concerns and reinforce the artificial division between operational assistance and protection.

9. Secondly, he wondered what the composition of the Action Group on Asylum and Migration (AGAMI) would be: a number of delegations, international organizations and NGOs were anxious to participate.

10. Mr. KISHIMORI (Rapporteur) drew the attention of members of the Executive Committee to a proposed amendment to draft Conclusion 2 on registration of refugees and asylum-seekers (Conclusion 2/Rev.4). In the penultimate paragraph, it was proposed to insert the words "bearing in mind the resources available" after the words "as quickly as possible upon their arrival".

11. Ms. FELLER (Director, Department of International Protection), wrapping up the debate on protection, said that, while she agreed with the delegation of India that protection did not stop with adherence to the Convention, it could only be improved if there was adherence to a broad framework of principles, benchmarks and understandings such as the Convention provided. Physical security and protection, for example, would be illusory without the legal security such instruments provided.

12. Many delegations had expressed support for the Global Consultations process, particularly as a means of revitalizing protection. It was heartening to see the involvement of delegations from all regions, and their interest in being closely consulted on the Agenda for Protection. That seemed to indicate stronger awareness of the truly international character of the refugee problem and of the fact that protection was the responsibility of all States.

13. It had been suggested that the results of the expert consultations could be incorporated into the agenda of activities to be followed up at the conclusion of the Global Consultations. That suggestion could be explored further, bearing in mind that the ultimate responsibility for drafting guidelines complementing the Handbook for Emergencies would lie with the High Commissioner, in line with UNHCR's mandate and with its supervisory role under article 35 of the Convention.

14. In the context of resettlement, the Secretariat had taken note of the United States concern that UNHCR should be active in identifying and referring refugees promptly. That chimed in with Australia's comment about exoduses being compounded by delays in finding solutions. Recommendations had already been formulated on other issues, such as the asylum/migration nexus, irregular movement, improving individual systems, registration, and protection of refugee women and children, and she hoped they would find a place in the Agenda for Protection.

15. In reply to a query by the representative of Sudan concerning the application of the general cessation clause in respect of Eritrean refugees, she said that the cessation clause would be invoked only after the ongoing voluntary repatriation phase, which should be completed by the end of 2002.

16. In reply to queries by Finland and South Africa regarding the Sub-Committee on International Protection, she explained that it had been one of three sub-committees that had existed before the Standing Committees had been established. She had mentioned the Sub-Committee because it had proved an invaluable forum for discussions that had resulted in very concrete Executive Committee conclusions, and she had wished to draw a parallel with the Global Consultations, which were functioning in many respects in a similar way. At the end of the process it would be important to explore how best to carry the momentum of the Global Consultations forward.

17. In reply to a number of questions about AGAMI, she said the first meeting had been held to initiate discussions between the International Organization for Migration (IOM) and UNHCR on issues that were common to both their mandates, in accordance with requests made during the Global Consultations. The terms of reference envisaged the involvement of other actors, depending on the issues to be discussed. UNHCR would look closely at the conclusions of the seminar on the role of the military mentioned by the Canadian delegation, as the issue was of great concern.

18. In reply to points made by Finland and Sweden, she said her Department had every intention of continuing its close cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), and would capitalize on the complementarity between general human rights instruments and refugee protection that had been highlighted in the Durban Declaration.

19. Lastly, she said that, as the delegation of Switzerland had recalled, accession was a part of a universal burden-sharing system. She invited all States that had not yet done so to accede to the Convention, and called on States parties to withdraw any reservations they maintained, including geographic reservations.

20. The CHAIRMAN said that concluded discussion of agenda item 5 (a).

(b) PROGRAMME, ADMINISTRATIVE AND FINANCIAL MATTERS (A/AC.96/945, 948, 949 and Add.1, 952, 956, 957 and 958)

21. The CHAIRMAN, summarizing the Report on the Work of the Standing Committee (A/AC.96/957), said that, if there were no objections, he took it that the Executive Committee wished to take due note of the work of its Standing Committee over the past 12 months and was satisfied with the ongoing governance and advice provided by the Standing Committee with regard to UNHCR's activities and programmes.

22. It was so decided.

23. The CHAIRMAN recalled that the Standing Committee had reviewed financial and audit matters at its 22nd meeting and that a report of its discussions was contained in document A/AC.96/958.

24. He said that concluded consideration of agenda item 5.

CONSIDERATION AND ADOPTION OF PROGRAMME BUDGET FOR 2002 (agenda item 6) (A/AC.96/950 and Add.1, and 958)

25. The CHAIRMAN drew the attention of members of the Executive Committee to the documents before it and, in particular, to table II.1 of document A/AC.96/950, which set out UNHCR's expenditure in 2001 and the proposed budget for 2002 for all sources of funds. He reminded delegations that the Standing Committee had made an initial review of the documentation at its 22nd meeting (A/AC.96/958) and that its views had been taken into account in the formulation of the general decision on administrative, financial and programme matters that would be endorsed by the Executive Committee as part of the report of the current session.

26. He invited the Deputy High Commissioner to introduce agenda item 6.

27. Ms. WYRSCH (Deputy High Commissioner for Refugees), introducing the UNHCR Annual Programme Budget for 2002, said that in addition to the documentation referred to by the Chairman, delegations should be aware of the relevant sections of the Report of the Standing Committee and the related decision endorsed by the Friends of the Rapporteur and the meeting of the Standing Committee on 26 September 2001, as contained in document Decision 1/Rev.1.

28. A number of valuable points regarding the budget had been made during the recent discussion of the item in the Standing Committee, and those had been reflected in the Report of the Standing Committee's Twenty-second Meeting (A/AC.96/958).

29. The budget currently before the Executive Committee (which did not include the appeal for Afghan refugees) amounted to less than US$ 40 per year for each person of concern to UNHCR. That figure was much less than in previous years. The proposed budget was considered the absolute minimum, since it was already insufficient to meet certain important needs. UNHCR urged donors to fund it in full.

30. A further decision relating to the Guidelines on Supplementary Activities, namely Decision 2/Rev.1, was also before the Executive Committee. The background to that Decision had been discussed in the Standing Committee and had been endorsed by the Friends of the Rapporteur.

31. Mr. HOJERSHOLT (Denmark), speaking on behalf of the Nordic countries, said that they supported the strategic direction mapped out by the High Commissioner and his efforts to focus on core activities. The need for strategic orientation and prioritization was obviously an ongoing concern, particularly as present and future needs continued to exceed the resources which donors were able to provide. Specific priorities would have to be set every year during the preparation of the programme budget. Transparency should extend to the format of the budget, and in that connection his delegation would have welcomed an analysis of the expanding global programme. It was gratifying to note that the unified budget had tightened up the preparatory process and increased flexibility as a result of broader regional earmarking. The trend towards a more strategic and results-based budget was also encouraging. Nevertheless, the introduction of new mechanisms such as Special Operations and Trust Funds had raised some concerns. Such an approach could herald a return to the former General Programmes/Special Programmes budget structure and a mushrooming of trust funds with a consequent loss of transparency. However, his delegation accepted that the introduction of Special Operations to cover non-core activities was a logical corollary of the definitions in Action 1.

32. Internally displaced persons were not a core concern of UNHCR. Nevertheless, the Office did have a responsibility to ensure that such persons were afforded a minimum of protection and assistance by the international community. The Nordic countries supported UNHCR's appeal for higher levels of funding from the United Nations regular budget and endorsed its efforts to secure increased private funding. The preparation of guidelines for business funding was an important new development, and it might be useful for UNHCR to ask for the views and guidance of members of the Executive Committee. UNHCR's efforts to strengthen the Evaluation and Policy Analysis Unit were very welcome. The evaluation function should be considered a core activity and sufficient resources should be set aside for it. An advisory board with external participation needed to be established.

33. The High Commissioner's recent cost-cutting exercise had yielded savings of approximately US$ 100 million in the budget for 2001. That reduction should be viewed against a backdrop of continued difficulties in ensuring adequate funding for UNHCR operations. It was clear that the same austerity and rigorous priority-setting had gone into the preparation of the Annual Programme Budget for 2002. The budget currently before the Executive Committee was a minimum budget. It reflected the desire to strike a balance between basic needs and likely resources, even though everyone agreed that, in principle, needs should come before resources. However, the adoption of a realistic budget would make it possible to guarantee necessary funding and avoid recourse to ad hoc cost-saving measures at a later stage.

34. In 2001 the Nordic countries had provided more than US$ 130 million in voluntary contributions or more than US$ 5 per capita, thereby heeding UNHCR's call for generous, early, predictable and unearmarked contributions.

35. Ms. DRADI (Italy) said that the budget documentation, albeit comprehensive, had been issued too late for her Government to analyse it properly. UNHCR should therefore make greater efforts to ensure the earliest possible publication of programme budget documents. Having said that, the proposed budget was nevertheless consistent with UNHCR mandates and objectives. It also reflected UNHCR's efforts to enhance the transparency, clarity and completeness of the unified budget.

36. The link between humanitarian assistance and development had been on the international agenda for the past decade, but massive refugee emergencies had caused the international community to focus on immediate needs rather than long-term solutions. The High Commissioner had asked donors to devote a share of development assistance funding to refugees, internally displaced persons and affected local populations. Italy supported such an approach, as evidenced by the numerous programmes it had sponsored in Central America and elsewhere. Everyone recognized the need for coordination among all relevant humanitarian and development actors, but in practice much remained to be done to achieve genuine complementarity among United Nations agencies, non-governmental organizations (NGOs) and donors.

37. Italy endorsed the strategy and objectives outlined in paragraph 64 of the Annual Programme Budget document (A/AC.96/950) regarding programme performance. UNHCR needed to establish clear performance indicators and improve its performance reporting, including the reporting of individual projects funded through specific earmarked contributions.

38. Mr. McGILL (Canada) said that Canada had long urged UNHCR to ensure strategic, transparent and systematic priority-setting for effective budget-making. His Government welcomed the internal review process initiated by the High Commissioner, particularly the review of core and non-core activities. To date, however, only modest changes had been noted in the way UNHCR conducted its operations. Unfortunately, the perception remained that UNHCR's primary goal was to manage its deficit rather than improve efficiency. There was a danger that the introduction of Special Operations could jeopardize the spirit of the unified budget. His delegation would appreciate clarification as to why the Executive Committee was being asked to approve Special Operations that fell into the category of non-core activities according to the criteria outlined in Action 1.

39. Over the years, Canada had urged UNHCR to adopt a more results-based approach to budgeting and programme design. It was gratifying to note that UNHCR had heeded those calls, thereby helping national capitals to make informed choices from among competing humanitarian priorities. However, the programme budget currently before the Executive Committee had failed to state clearly the objectives, expected outputs and anticipated results of the activities to be implemented. The UNHCR prioritizing exercise as laid down in Actions 1 and 2 could have been better reflected in the 2002 budget. Additionally, UNHCR might wish to consider adopting a multi-year strategic planning approach.

40. It was regrettable that mainstreaming of gender had been given low priority in the 2002 budget and that insufficient resources had been allocated to implement UNHCR policy on gender. His Government called for an increase in the budget allocation for gender policy and for more policy advisors in that sphere. There was also a need for policy advisors on children and an increase in resource allocation for child refugees.

41. Canada intended to maintain its present level of financial support for UNHCR activities, but at the same time his Government urged the Office to make greater efforts to diversify and broaden its financial base.

42. Mr. GERDTS (Germany) said that his delegation welcomed the more concise and manageable format of the budget documentation, but echoed the criticism that the material should have been made available earlier. It was obvious that the High Commissioner had sought to prepare a realistic budget for 2002. Germany fully endorsed the recommendations made by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) concerning the Annual Programme Budget.

43. Despite serious budgetary constraints, the German Government had increased its basic contribution to UNHCR by 5 per cent. Moreover, Germany intended to allocate a further US$ 16 million to humanitarian assistance and project promotion during the current budget year, and an additional 30 million deutsche marks had been set aside to deal with the developing humanitarian crisis in Afghanistan.

44. Mr. ZELACI (Algeria) said that the proportion of UNHCR resources devoted to long-term African refugees was still insufficient. His delegation wondered whether the High Commissioner's strategy to deal with long-term refugees boiled down to soliciting greater resources from developing countries in order to offset deficits created by insufficient donor contributions. His Government had always practised the principle of burden-sharing with UNHCR, and therefore expected that the necessary funding for the protection and assistance of Saharan refugees in Algeria would be forthcoming.

45. Ms. REITZ (United States of America) said that it was regrettable that UNHCR had been forced to make cutbacks in its budget and its staff in 2001 owing to insufficient funding, and to adopt a resource-based budget for 2002. Her delegation trusted that Actions 1, 2 and 3 would pave the way for a more needs-based budget in 2003.

46. The United States had contributed approximately US$ 234 million to UNHCR in 2001, and would maintain a similar level of support in 2002. UNHCR had made welcome efforts to broaden its financial base. Traditional donors should renew and increase their commitment, and non-traditional government donors, private organizations and individuals should also be requested to demonstrate their support for UNHCR's work. The contribution of refugee-hosting countries should be given due recognition.

47. Her Government believed that, as far as the content of the budget document was concerned, there should be greater focus on planned programmes and expected results, as well as justification of proposed resources in the light of objectives, outputs and anticipated results.

There should be more priority-setting within core activities and a strategic overview of regions and functions. The "prioritization" that had resulted in a reduction of posts in Africa (while Europe remained unaffected) seemed hard to justify. While recognizing the concerns voiced about the proliferation of Trust Funds, the United States still believed that it would be useful to have a mechanism to handle expenditure outside the framework of the unified budget. Finally, the increased involvement of stakeholders in the budget formulation process would promote better understanding of refugee needs and make it easier to garner support for proposed initiatives.

48. Mr. KUTCH (Australia) said he was pleased that some of the results of Actions 1 to 3 had been reflected in the programme budget for 2002, which made for a more realistic budget, more closely linked to achievable funding goals. He also welcomed the clear distinction that had been drawn between core and non-core activities. He was concerned, however, that a balance should be struck between achieving a clear set of objectives and working within existing financial constraints. While the planning and budget process seemed to be working well at the country level, the process did not seem to function in the same way at the regional and global levels. Accordingly, his delegation supported the development of a more strategic, results-oriented budget at the global level. Such a budget would set clear objectives based on a global strategic plan, as well as priorities for specific regions and sectors and within core activities. A short-term global strategy should be developed to identify the specific global outputs that were required to achieve those objectives. The budget must be clearly linked to those outputs and include a clear set of performance indicators. It was important to know how the programme budget related to global objectives. He suggested that a follow-up to Actions 1 to 3 might consist of a global strategic planning exercise, which would set global priorities, objectives and targets and identify performance indicators. Such an exercise might lead to a more results-oriented budget in subsequent budget cycles.

49. He endorsed the remarks of other delegations regarding the timeliness of the proposed programme budget and agreed that the evaluation function should be included as a regular part of the core budget. His delegation supported the draft decision on administrative, financial and programme matters. With regard to the High Commissioner's call for soft commitments, he noted that his Government had made a firm commitment of 14.3 million Australian dollars and anticipated that additional funding would be provided at a later date.

50. Ms. WYRSCH (Deputy High Commissioner) said that she greatly regretted the late submission of the budget and understood the problems it had posed for Committee members. The secretariat would endeavour to improve that situation in the next budget cycle.

51. Many Committee members had referred to the need for an overall strategic plan that identified priorities within core activities and among regions, and she agreed that such a plan would provide an effective framework for assessing country programmes. With regard to inclusion of the evaluation function in the budget, she said that UNHCR would take note of Committee members' desire to give particular attention to lessons learned. With regard to the structure of the budget, Special Operations and trust funds, she said that proposals for trust funds and the comments of ACABQ thereon represented an effort to provide additionality. She believed that trust funds would effectively address the donors' concerns.

52. In reply to the observations made by the representative of Algeria concerning Western Sahara, she said that the budget showed that UNHCR was struggling to meet the needs of refugees there, and she noted that proposals for new approaches to refugee problems in that territory would be discussed in the coming months. She acknowledged that UNHCR needed to provide more information about its activities relating to women and children refugees and gender mainstreaming. Lastly, she agreed that performance-based budgeting was the way of the future, but UNHCR needed to work in that area, and she would welcome dialogue with all delegations in that regard.

53. The CHAIRMAN drew attention to the draft decision on administrative, financial and programme matters contained in paragraph 25 of the proposed annual programme budget for 2002 (A/AC.96/950), which had been revised on the basis of extensive consultations. He drew attention also to table II.1 of the budget, which showed that the revised total budget for 2001 amounted to US$ 874,409,800, of which US$ 782,111,600 was for the annual programme budget for 2001 and $66,119,400 for the supplementary budget, and that the total proposed budget for 2002 amounted to $828,574,000. If there was agreement on the revised annual budget for 2001 and the proposed programme budget for 2002, he would take it that the Executive Committee wished to adopt the draft decision.

54. It was so decided.

REPORTS RELATING TO PROGRAMME OVERSIGHT (agenda item 7)

Inspection activities (A/AC.96/946)

55. Ms. CONNELLY (Inspector General), introducing the report on UNHCR's inspection plan and activities (A/AC.96/946), said that her office was responsible for inspection, investigation and inquiries into the deaths of UNHCR staff who had died violently in the course of their duties. After five years of formal inspection activities and in the light of UNHCR's effort to define core and non-core activities, her office had been conducting a review of inspection activities. In recent months, much time had been spent investigating misfeasance in the refugee status determination and resettlement operation in Kenya and other complaints and allegations, working closely with the Office of Internal Oversight Services and other similar bodies to develop an investigation strategy and framework. When it became clear that the Inspector General's Office could not cope with increasing demands, two additional temporary professional staff had been recruited.

56. In July 2001 she had submitted a report to the High Commissioner on observations gathered from inspections covering the two-year period ending in March 2001, which summarized some recurring observations from inspections of UNHCR operations in 26 countries and made a number of broad recommendations to senior management. The High Commissioner had asked all directors to consider how those recommendations could be implemented and to provide information on best practices where they were already being implemented. Recommendations with policy or financial implications would be analysed in terms of their benefits, constraints, costs and general feasibility. The report, together with a plan of action, would be made available to Executive Committee members by the end of the year.

57. A revised general inspection strategy, which would be submitted to the High Commissioner in the very near future, included such issues as compliance with reporting procedures, the introduction of good practice notes and a detailed look at implementing partners' activities during inspections. She also drew attention to the inspections conducted in the first half of 2001 and those planned for the remainder of the year 2002 (A/AC.96/946, para. 7).

58. Following the tragic deaths of UNHCR staff in Guinea and Indonesia, the High Commissioner had asked her to ascertain the circumstances surrounding those tragedies. To date, painful but necessary inquiries had been conducted in Timor, Guinea and the Democratic Republic of the Congo. Such UNHCR inquiries did not, however, replace the official inquiries being conducted by the authorities of the countries in which the staff had died.

59. In November 1999, an investigation coordinator had been appointed to join the Inspector General's team. Investigations were conducted not only by her office but also through internal audit or by the Office of Internal Oversight Services. The increase in the number of investigations since 2001 did not necessarily indicate an increase in unethical behaviour but reflected the establishment of a centralized structure to receive complaints and allegations. Nevertheless, the increase in investigations and the lessons learned from them had led UNHCR to review its strategy, framework and tools for investigations, and a senior inspection officer had been assigned to work on that task full time. Many other United Nations agencies were undergoing a similar process, and UNHCR was actively consulting with organizations that had more experience in order to benefit from their expertise. Executive Committee members would be provided with periodic progress reports on that activity.

60. Mr. McGILL (Canada) said that performance review was central to strengthening the management capacity of UNHCR. While there was a certain amount of overlap between inspection and evaluation, the inspection function was based on the notion of accountability. His delegation recognized the need for confidentiality in inspection reports, but believed that future UNHCR investigations would benefit from greater transparency in the dissemination of those reports. The summaries of the investigation into the deaths of UNHCR staff in Indonesia had been very useful. The Inspector General's office might wish to consider preparing a multi-year programme of work that could be presented to the Executive Committee, another step that would promote greater transparency. Lastly, he expressed appreciation for a briefing given earlier in the week by the Inspector General, and particularly for the emphasis she had placed on the relationship between inspections and investigations.

61. Ms. REITZ (United States of America) said that while her delegation understood that a properly conducted investigation took time, it was nevertheless important that action should be taken quickly as soon as a problem was identified, so that UNHCR activities would not be placed on hold for too long. Her delegation welcomed UNHCR's willingness to look at the question of resettlement from a global perspective and would do everything possible to support that effort.

62. Ms. OLLESTAD (Norway) said it was essential that UNHCR should strive to achieve the highest degree of accountability and transparency in its inspections. The recent investigation conducted in Nairobi had shown that at a time when UNHCR sought to strengthen resettlement as a protection tool and thereby enhance international protection of refugees, confidence in

UNHCR's work was crucial. It was therefore important that investigations should be launched promptly whenever there was reason to suspect fraud or misconduct. She welcomed UNHCR's efforts to strengthen its investigation capacity and the timely submission of documentation on the agenda item.

63. Mr. LAGHMARI (Morocco) wished to know what criteria were used in determining the countries in which investigation missions were conducted.

64. Ms. CONNELLY (Inspector General), responding to questions and comments, agreed that performance review and evaluation were very important: evaluation and inspection strategies were currently under review. In that connection due consideration needed to be given to the sharing of information while maintaining confidentiality. UNHCR intended to begin issuing periodic reports on inspections, although the need for investigations had caused some disruption to the inspection timetable. A multi-year work plan for inspections was currently being formulated.

65. While there was an obvious need for a quick response where investigations were required, there was also a need for sound investigative procedure. As for how it was decided to conduct an inspection mission, such missions were routine and covered every part of the globe every year.

Evaluation activities (A/AC.96/947)

66. Mr. CRISP (Evaluation and Policy Analysis Unit) introduced the report on UNHCR's evaluation plan and activities (A/AC.96/947). The evaluation policy statement circulated earlier in the session was a draft, on which comment was invited. The primary changes from earlier drafts were that the paper no longer made a commitment to specific levels of evaluation expenditure; it was less ambitious in terms of the level of evaluation activity over the next three years; it introduced a new quality control mechanism, and it reflected a decision to replace the Evaluation Committee with a new Evaluation Advisory Committee, which would include a number of external stakeholders.

67. The evaluation work programme included a review of the way in which UNHCR and other actors managed protracted refugee situations, focusing on methods to promote self-reliance pending voluntary repatriation; an evaluation of UNHCR operations in Guinea and Sierra Leone, and a review of the community services function. UNHCR was also evaluating its response to the Afghan refugee emergency. In 2002, evaluations were planned of UNHCR involvement in income-generating activities and of how UNHCR dealt with reproductive health issues. UNHCR would also participate in an inter-agency review of the Consolidated Appeals Process.

68. Evaluation units had a particular obligation to be transparent, honest and self-critical. The implementation and quality of evaluation activities must be carefully monitored, and there was room for improvement in terms of making optimal use of evaluation recommendations. Efforts must also be made to develop a comprehensive and integrated performance management framework. In that connection evaluation activities should focus more on the work undertaken by implementing partners, as the lack of coordination of evaluation activities by humanitarian

actors gave cause for concern. As it might not be possible to consider those issues at the current session, he proposed that an informal consultation of the Executive Committee on evaluation and its effective utilization should be held within the next two months.

69. Ms. VERHEY (Valid International) said that the results of a survey by Valid International, a private consultancy firm, indicated that UNHCR met the protection needs of children inconsistently at best. While UNHCR had taken a number of important steps towards meeting those needs, in practice implementation remained inadequate. For example, in 1994 guidelines had been issued on the protection and care of refugee children, but had been inadequately disseminated to front-line staff. In particular there were difficulties in the areas of compliance, monitoring, staffing, resources, organizational structure and partnerships.

70. Three principal factors were involved: accountability, mainstreaming, and gaps in operationalizing the protection of refugee children. Accountability was fundamental - in the absence of a commitment by senior management to improve accountability within the organization, recommendations would not have the required impact. There were difficulties in UNHCR's defined precepts of accountability in terms of lines of responsibility and authority and appropriate resources and support. Accountability was diffused. For example, staff of the Department of International Protection and of the Division of Operational Support were responsible for policy and standard-setting, but regional bureaux and field managers were responsible for implementation. According to field staff, competing priorities, as well as budget cuts and limited numbers of specialist staff, impeded programme implementation.

71. Efforts to mainstream the protection of refugee children were hindered by uncertainty as to the balance to be struck between generalist and specialist staff. The vast majority of UNHCR staff did not need to be child specialists, but all staff must understand the key protection risks faced by children, be able to address those needs, and know when to seek the help of specialists. Partnership and collaboration were essential components in that regard, and UNHCR operations required more concerted engagement at the field level with, most importantly, the United Nations Children's Fund (UNICEF).

72. With respect to operationalizing protection, there was confusion among staff as to what child protection meant. There was also a lack of situation analysis, while more effective use needed to be made of community services and education as tools of protection. Protection had legal, physical and social aspects, but the social elements, with families as the front line of protection, were often missing. The senior management of UNHCR must make a clear statement that the protection needs of refugee children were an organizational priority. A series of working sessions should be held at the bureau level to develop training and mainstreaming work plan. One country should be selected by each bureau for a pilot mainstreaming exercise. Operationalizing the protection needs of refugee children required a more concerted emergency response, with greater focus on community services, emergency education and social protection. That theme should be addressed in the context of the Global Consultations.

73. Ms. FAGEN (Women's Commission for Refugee Women and Children), introducing her organization's assessment of the implementation of UNHCR's Guidelines on the Protection of Refugee Women, said that compliance with the guidelines had been found to be inadequate in all the UNHCR operations evaluated, although there was progress in some areas. Her team had

evaluated five operations, in all of which staff had blamed scarce resources and budget cuts as impediments. It was clear that difficult trade-offs were involved. In particular, despite the link between staffing and protection, UNHCR's presence had been reduced in all the five operations evaluated. The reduction in community services staff was of particular concern as they were the most directly linked to refugee communities. The consequences included less information gathering, less capacity-building, and elimination of counselling.

74. There were also links between protection and programme activities, and between protection and income generation. While protection officers recognized that their functions encompassed physical as well as legal protection, in practice they devoted themselves primarily to legal protection, leaving physical protection to community services staff, where available.

75. The team had made recommendations on improving communications between the field and headquarters, and had pointed out the need for increased training of UNHCR and NGO staff and of refugee women. Any revision of the guidelines should also make greater provision for accountability in terms of compliance with the principles contained in the guidelines. In addition, the guidelines should focus more on the problems of urban refugee women, women in protracted refugee situations, and repatriation.

76. Mr. McGILL (Canada) said that his delegation was encouraged by the development of the evaluation plan, the establishment of the Evaluation Advisory Committee, and the introduction of real-time evaluation. He looked forward to the results of the real-time evaluation of UNHCR's response to the Afghan refugee emergency.

77. UNHCR had to invest adequately in its evaluation function if it was to remain a credible and responsible organization. Accordingly, it was unfortunate that the statement of evaluation policy provided no indication of resource commitment to the evaluation function; his delegation felt that 0.5 per cent of the budget should be allocated for that purpose as an absolute minimum. UNHCR must staff its Evaluation and Policy Analysis Unit with an appropriate number of staff members at suitable levels. Adequate resources must be found. For its part, his Government had contributed Can$ 750,000 to the evaluation function.

The meeting rose at 1 p.m.

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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Fifty-second session

SUMMARY RECORD OF THE 559th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 October 2001, at 3 p.m.

Chairman: Mr YIMER (Ethiopia)
(Vice-Chairman)

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REPORT ON THE MEETING OF NON-GOVERNMENTAL ORGANIZATIONS HELD PRIOR TO THE SESSION OF THE EXECUTIVE COMMITTEE

STATEMENT BY THE CHAIRPERSON OF THE STAFF COUNCIL OF UNHCR

REPORTS RELATING TO PROGRAMME OVERSIGHT (continued)

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GE.01-02942 (EXT)

The meeting was called to order at 3.15 p.m.

REPORT ON THE MEETING OF NON-GOVERNMENTAL ORGANIZATIONS HELD PRIOR TO THE SESSION OF THE EXECUTIVE COMMITTEE

1. Ms. FELICE (International Council of Voluntary Agencies) said that the work of the meeting of non-governmental organizations (NGOs) held prior to the session of the Executive Committee had been based on four major themes: partnership between non-governmental organizations and the Office of the United Nations High Commissioner for Refugees; the role of NGOs in the international refugee protection regime; questions relating to migration, asylum and trafficking in people; and the protection of internally displaced persons. Most participants, in their statements, had acknowledged the importance of the Global Consultations launched by UNHCR, referred to the repercussions in terms of xenophobia and racism of the events of 11 September, and expressed concern that the legitimate fight against terrorism might well harm the interests of refugees with genuine protection needs. Although critical of UNHCR, NGOs had made it clear that they wished to see a strong agency with the resources it needed to discharge its role willing to mount a vigorous defence of the cause of refugees. She invited all States to send delegations to the next meeting of NGOs, which could take the form of a tripartite session with representatives of Governments, UNHCR and NGOs.

2. Mr. ALFELD (South Africa) said that, despite scheduling difficulties, he had participated in the important meeting of NGOs. It would be preferable for the following meeting to be scheduled for a date that would allow all States to send representatives.

STATEMENT BY THE CHAIRPERSON OF THE STAFF COUNCIL OF UNHCR

3. Mr. HUSSAIN (Chairperson of the Staff Council of UNHCR) said that at a time when all eyes were on Afghanistan, his colleagues were already busy on the ground, preparing to deal with the incipient humanitarian crisis and assist victims. He called on all States to respond generously to the appeal recently made by UNHCR for US$ 268 million, an amount that was justified by the enormous needs. While financial and material resources were needed to address the crisis, human resources were still more necessary. The new crisis had come at a time when UNHCR was significantly reducing its staffing levels in the context of Action 2. But, as the Staff Council had repeatedly pointed out, UNHCR should strive for "rightsizing" rather than downsizing. The nature of the agency's work, dealing with unforeseen, large-scale emergencies, meant that its staffing must be kept at a level that enabled it to deploy enough experienced staff, at least to cover the gap until more were recruited. In that connection any new recruitment must improve geographical distribution in the Professional category and preserve the international character of the staff of UNHCR.

4. Staff security was another important issue. The senior management of UNHCR had a responsibility to ensure a balance between the need to protect and assist refugees, especially in difficult locations, and the need to safeguard the lives of staff in the field. Security measures should benefit both international and local staff, especially when it came to evacuation. It was equally important to ensure that the morale of staff was maintained in what were demanding times. Post cuts and continued human resources management problems over the past 20 months

had tested the morale of the staff, who sought greater job stability and an improvement in the postings and rotation system.

5. Constructive staff-management relations were also clearly crucial. He welcomed the fact that the new High Commissioner had shown a willingness to engage in dialogue with the staff, a positive attitude that should extend to all levels of management. Lastly, he urged Governments to facilitate, by means of less restrictive visa practices, the entry into or transit through their territory of United Nations personnel so as not to impair the operational effectiveness of UNHCR. He also appealed for tolerance, so that, in the aftermath of the tragic events of 11 September, refugees and asylum-seekers of certain nationalities or from certain religious backgrounds were not discriminated against.

6. Mr. ALFELD (South Africa) paid tribute to the courage of UNHCR staff members, who displayed exceptional dedication in the most difficult situations. He endorsed the appeal by the Chairperson of the Staff Council for improved security measures for local staff.

REPORTS RELATING TO PROGRAMME OVERSIGHT (agenda item 7) (continued) (A/AC.96/946 and A/AC.96/947)

7. Mr. GHELEW (Switzerland) noted with satisfaction that the general policy document issued by UNHCR (A/AC.96/947) met his delegation's principal expectations, in particular regarding the emphasis placed on self-evaluation and decentralization of that function within UNHCR. Nevertheless he noted the ambitious objectives assigned to the Evaluation and Policy Analysis Unit (EPAU) and drew attention to the delicate issue of effective responsibility, at headquarters and in the field, for implementation of recommendations pursuant to evaluations initiated by UNHCR. The matter should be given further consideration, so that in future UNHCR could integrate the results of evaluations at all levels. Lastly, his delegation trusted that the mechanisms established for joint evaluation would be further refined to ensure that UNHCR's objectives in the evaluation of a specific activity or project did not diverge from those of its partners.

8. Mr. KUTCH (Australia) welcomed the progress made by UNHCR on evaluation; there was little doubt that the new mechanisms put in place would improve the quality of evaluation activities. Nevertheless he regretted the fact that the policy document prepared by UNHCR (A/AC.96/947) gave no indication of the level of evaluation activity anticipated or of the related level of expenditure. His delegation agreed with that of Canada that it would be appropriate to allocate, for example, 0.5 per cent of the budget to evaluation activities. Evaluation activities were a management function, and should appear in the budget.

9. Ms. REITZ (United States of America) noted with satisfaction the steps taken by UNHCR to promote self-evaluation. Field staff must be actively involved in evaluations and learn from them. Her delegation welcomed the establishment of the Evaluation Advisory Committee, in which the United States was willing to participate, and noted the importance of linking the evaluation function with senior-level decision-making and oversight. Evaluation must lead to behavioural and policy change. She welcomed the real-time evaluation of the Afghan situation. Her delegation looked forward to the final evaluation reports on refugee

women and children, and wished to know how UNHCR intended to follow up on the evaluations.

10. Ms. OLLESTAD (Norway) welcomed the formulation by UNHCR of an evaluation policy and noted with satisfaction that it was based on OECD/DAC guidelines. She wished to have an indication of what percentage of the budget would be allocated to evaluation. She welcomed the efforts to integrate such cross-cutting issues, as security, protection of vulnerable groups and gender issues into all UNHCR's activities, but noted that much remained to be done before such questions were truly organizational priorities.

11. Ms. BLOCH (International Council of Voluntary Agencies) expressed concern that the financial commitment to evaluation made in earlier drafts of the evaluation policy was no longer there. Her organization intended to participate in the Evaluation Advisory Committee. She looked forward to the final reports on the impact of UNHCR activities for refugee women and children, and noted that the central problem was policy implementation. An effort should be made to resolve the implementation problem on a collaborative basis, for example in the context of the Action for the Rights of Children project. Consideration could also be given to making implementation a key theme in the Global Consultations on Children scheduled for 2002.

12. Mr. KLASTBERG (United Nations Children's Fund (UNICEF)) confirmed that UNICEF wished to cooperate with UNHCR in education for refugee children; joint meetings would be organized to formulate a detailed work plan. The evaluation of operations in Afghanistan in the Inter-agency Standing Committee was a first step towards strengthening evaluation mechanisms.

13. Ms. BLOMBERG (Sweden) welcomed the steps taken by UNHCR to make evaluation a strategic management function. In that context she asked whether the head of the Evaluation and Policy Analysis Unit would form part of senior management, whether the Evaluation Advisory Committee would have purely advisory functions, and what the responsibility of senior management in responding to evaluations by EPAU and decentralized units would be. The evaluation plan prepared by EPAU should be submitted to the Executive Committee and to the Standing Committee for comments.

14. Ms. WYRSCH (Deputy High Commissioner) said that it was difficult to indicate at the moment what percentage of the budget would be allocated to evaluation activities. It would first be necessary to order the various activities before being able to cost them. It should be possible to provide an estimate in 2002. The link between assessment and oversight would be facilitated by the fact that the Chief of the Evaluation and Policy Analysis Unit would form part of the oversight body responsible for coordinating results of the various audits, inspections and monitoring exercises.

15. Mr. CRISP (Evaluation and Policy Analysis Unit) said that the number of evaluations scheduled by the Unit had been reduced. Evaluation policy would be reviewed on an ongoing basis in the light of experience and revised if implementation resulted in too heavy a burden on the Unit. Senior staff would be accountable for follow-up to evaluations. An innovative approach would be required regarding follow-up to the evaluations of activities for refugee women and children; meetings would be held on that matter in coming months. UNHCR, with the financial assistance of a State member of the Executive Committee, had carried out studies

on education for refugee children, soon to be issued in a docucment. The Evaluation Advisory Committee was not a management body, but it was clear that there must be ongoing coordination between the Committee and senior management.

16. Ms. VERHEY (Evaluation and Policy Analysis Unit) said that the study on the impact of activities for refugee children had led to the formulation of new evaluation models. She suggested that the pilot committee established for that evaluation should continue to function within UNHCR to facilitate follow-up.

17. Ms. WEISS FAGEN (Evaluation and Policy Analysis Unit) said that the evaluation of activities for women refugees, which had been the subject of intensive cooperation by all concerned, would inevitably require follow-up since it raised the question of the desirability of a review of the guidelines for the protection of women refugees.

18. The CHAIRMAN said that the Executive Committee had concluded its consideration of agenda item 7 and would take up items 8 and 9 together at the following meeting.

The meeting rose at 4.10 p.m.

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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Fifty-second session

SUMMARY RECORD OF THE 560th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 October 2001, at 10 a.m.

Chairman: Mr. MOLANDER (Sweden)

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ADOPTION OF THE REPORT OF THE FIFTY-SECOND SESSION OF THE EXECUTIVE COMMITTEE

CLOSING STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

CLOSURE OF THE SESSION

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The meeting was called to order at 10.30 a.m.

ADOPTION OF THE REPORT OF THE FIFTY-SECOND SESSION OF THE EXECUTIVE COMMITTEE (agenda item 11) (document without a symbol)

1. Mr. KISHIMORI (Rapporteur), introducing the draft report of the fifty-second session of the Executive Committee, said that Slovenia should be added to the list of States in paragraph 29 (a). Once approved, the final version of the report would include, as annexes, the High Commissioner's opening statement and the summing up of the General Debate by the Chairman. The complete report would be submitted to the Third Committee of the General Assembly as an addendum to the annual report of the High Commissioner.

2. Mr. ZIARAN (Islamic Republic of Iran) said that, as it stood, paragraph 22 (b) of the draft report was inconsistent with the Vienna Convention on the Law of Treaties. His delegation therefore proposed the insertion of the phrase "consistent with their voluntarily undertaken commitments and obligations" at the end of the paragraph.

3. Mr. ALFELD (South Africa) said that he endorsed the amendment made by the representative of the Islamic Republic of Iran, but preferred the formulation "consistent with their commitments and obligations".

4. Mr. RIMKUNAS (Observer for Lithuania) said that Lithuania had applied for observer participation in meetings of the Standing Committee and should therefore be included in the list of States appearing in paragraph 29 (b) of the draft report.

5. The report of the fifty-second session of the Executive Committee, as orally amended, was adopted.

CLOSING STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

6. Mr. LUBBERS (United Nations High Commissioner for Refugees) said that the panel discussions at the current session of the Executive Committee had been extremely useful and relevant, especially those focusing on the role of women and the protection of female refugees. He noted with satisfaction that non-governmental organizations (NGOs), while maintaining their critical stance, had voiced their unequivocal support for a strong UNHCR. The lack of gender balance among UNHCR staff was certainly a theme that needed to be addressed. Now that the new UNHCR senior management team was in place, it was time to start work in earnest.

7. Durable solutions to refugee problems were an investment in peace and stability. Refugees were highly vulnerable to exploitation by armed elements and criminal networks, and UNHCR had an important role to play in preventing them from falling into the hands of such unscrupulous operators. The war on terrorism had rightly become a central preoccupation. But the focus on fighting terrorism should not weaken other aspects of the refugee protection regime, nor should it be used to whip up xenophobia and discrimination. The misconception that the 1951 Convention relating to the Status of Refugees was an instrument that provided a safe haven for criminals and terrorists needed to be vigorously challenged. Although the need to

guard against abuses of the asylum regime was perfectly legitimate, it was even more important to ensure that refugees were not associated with terrorism. In that connection, the unfolding Afghan refugee crisis should be addressed through concerted action and in a spirit of generous burden-sharing.

8. He had noted that there was a general desire to place UNHCR on a sound financial footing, and he trusted that the promised contributions for the rest of the financial year would materialize in the coming weeks and months. In the meantime, the generous response to the Afghan crisis should not be allowed to eclipse the pressing needs of other groups of refugees around the world.

9. Soft commitments were a new initiative that had certainly enabled UNHCR to forecast future levels of funding with greater accuracy, but at the same time the commitments themselves needed to be more generous. At the very least, donors should maintain existing levels of contributions. The budget was currently underfunded by about 10 per cent; a larger deficit would seriously compromise the quality and performance of UNHCR's work.

10. While it was true that refugees were a high-risk group for HIV/AIDS, it was gratifying to note that the disease was not a taboo subject in refugee camps and thus the problem was being dealt with frankly. HIV/AIDS prevention and care programmes should be at the top of UNHCR's agenda.

CLOSURE OF THE SESSION (agenda item 12)

11. After the customary exchange of courtesies, the CHAIRMAN declared the fifty-second session of the Executive Committee closed.

The meeting rose at 11.25 a.m.